

## REMARKS

In the Office Action dated October 8, 2009, claims 1-52 were pending. Claims 1-34, 39-49 and 52 were withdrawn from consideration as directed to non-elected subject matter. Claims 35-38 and 50-51 were under examination and rejected under 35 U.S.C. §102(b) as allegedly anticipated by Bartholomeusz (WO03/066841).

According to the Examiner, Bartholomeusz discloses a method for determining the potential for an HBV to exhibit reduced sensitivity to a nucleoside or nucleotide analog LMV, based on isolating DNA from HBV, and screening for a mutation in the nucleotide sequence encoding HBV DNA polymerase resulting in an amino acid substitution in domains F and A through E, F, G and A through E and associated with resistance to LMV, wherein the mutation is rtM204V, and wherein the mutation in the surface protein is sI195M.

In this Response, Applicants have amended claims 35, 37 and 50 to delete the reference to resistance to LMV, and the reference to rtM204V. As such, Bartholomeusz does not disclose the subject matter as presently claimed. Withdrawal of the rejection under 35 U.S.C. §102(b) is therefore respectfully requested.

Further, Applicants have added new claim 53, which depends from claim 35 and further defines that the mutation is indicative of resistance to at least one of ADV or TFV. Applicants have also added new claim 54, which depends from claim 37 and further defines that the variant exhibits a decreased sensitivity to at least one of ADV or TFV. No new matter is introduced.

Moreover, claims 36, 38 and 51 have been canceled, without prejudice.

In view of the foregoing amendments and remarks, it is firmly believed that the subject application is in condition for allowance, which action is earnestly solicited.

Respectfully submitted,

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